

CA NO. 22-50048

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEVEN DUARTE,

Defendant-Appellant.

DC NO. 2:20-cr-00387-AB-1

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S REPLY BRIEF**

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE ANDRE BIROTTÉ, JR.
United States District Judge

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Appellant Steven Duarte respectfully requests a 61-day extension of time, to and including Monday, August 21, 2023, to file his reply brief. This request is made under Rule 31 of the Federal Rules of Appellate Procedure and Circuit Rule 31-2.2(b), and is based on the attached declaration of counsel.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: June 14, 2023

By /s/ Sonam Henderson
SONAM HENDERSON
Deputy Federal Public Defender
Attorney for Defendant-Appellant

DECLARATION OF SONAM HENDERSON

I, Sonam Henderson, hereby declare:

I am a Deputy Federal Public Defender in the Central District of California, and am responsible for the preparation of the briefing for appellant Steven Duarte. I request a 61-day extension of time to file his reply brief. The brief is currently due Wednesday, June 21, 2023, and with the requested extension, the brief would be due Monday, August 21, 2023. This is my first request for an extension on this brief. All transcripts have been prepared, and no reporter is in default.

This appeal arises from Mr. Duarte's conviction after trial and sentence on a charge of violating 18 U.S.C. § 922(g). Mr. Duarte is in custody serving his 51-month sentence in this case. The Bureau of Prisons lists his expected release date as July 4, 2024.

Even with the exercise of diligence, I will not be able to file the brief by its current deadline. That is both because of the weighty and rapidly developing legal issues raised in this case, as well as because of my other responsibilities. This case addresses the constitutionality of 18 U.S.C. § 922(g)(1) after *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), and does so in a context in which courts, including this one, have been issuing potentially relevant decisions at a rapid clip. See, e.g., *United States v. Alaniz*, No. 22-30141, — F.4th —, 2023 WL — (9th Cir. June 13, 2023); *Range v. Att'y Gen. United States of Am.*, No. 21-2835, — F.4th —, 2023 WL 3833404 (3d Cir. June 6, 2023) (en banc);

United States v. Jackson, No. 22-2870, — F.4th —, 2023 WL 3769242, at *4 (8th Cir. June 2, 2023). Reflecting the complex and important nature of the issues raised, the government's opposition brief runs 69 pages and almost to the 14,000 word limit for answering briefs. Replying to the government's extensive arguments while also incorporating the rapidly evolving caselaw will require time.

In terms of other responsibilities, I have upcoming deadlines in *United States v. Parkins*, CA No. 22-50186 (reply brief currently due June 23, 2023); *United States v. Cisneros*, CA No. 22-50296 (opening brief currently due June 26, 2023); *United States v. Morales*, CA No. 23-273 (opening brief currently due June 26, 2023); and *United States v. Damaso*, CA No. 22-10191 (opening brief due August 4, 2023). *Cisneros* and *Damaso* are trial cases with relatively lengthy records and *Parkins* is a case that was recently reassigned to me and for which I will have to learn the record and the caselaw in order to write the reply brief.

The requested time will allow me to undertake the work necessary to complete the briefing in this case while also fulfilling my other responsibilities. I have been diligent in this case, and I expect to file the brief by the requested date.

I have consulted by email with Assistant United States Attorney Suria Bahadue, counsel for the government in this case. She has informed me that the government has no objection to this request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on June 14, 2023, in Bogota, Colombia.

By /s/ Sonam Henderson
SONAM HENDERSON
Deputy Federal Public Defender